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BATTLESHIP TEXAS TO TEXAS

The battleship USS TEXAS was transferred to the State of Texas this week at the San Jacinto battle grounds, now a State park near Houston.

Assistant Secretary of the Navy Andrews, a native of Texas, presented the battleship after a decommissioning ceremony, to Governor Jester of Texas.

The Texas will be permanently berthed in the Houston ship channel, in the shadow of the 580-foot San Jacinto Battlegrounds Monument. The battleship had been temporarily berthed at the San Jacinto Army Ordnance Depot, where it was towed last month from Norfolk.

The ship was decommissioned by Rear Adm. Lawrence F. Reifsnider, USN, Commandant of the Eighth Naval District, and Capt. Charles A. Baker, commanding officer of the Texas during her World War II engagements at Normandy on D-Day, Cherbourg, Southern France, Iwo Jima and Okinawa.

After accepting the battleship for the State, Governor Jester introduced Fleet Admiral Chester W. Nimitz, a native of Fredericksburg, Texas. Admiral Nimitz, who made the principal address, was given a 17-gun salute and his five-star flag was run up during the ceremonies along with the Texas Lone Star flag.

Transfer of the USS TEXAS to the state of Texas as an outright gift was authorized by special legislation enacted by the 79th Congress. The legislation required that Texas provide funds for establishment of the battleship as a memorial and for maintenance. Popular subscriptions in a campaign conducted throughout the State by the Texas Battleship Commission have provided about a quarter of a million dollars for these purposes.

AN ACT

~~authorizing~~ the acceptance of the Battleship "Texas" by the Commission of Control from the United States Government and providing for establishment of same for exhibition as a permanent memorial for the purpose of commemorating the heroic participation of the State of Texas in the prosecution and victory of the Second World War; providing for the creation of the Commission of Control for the Battleship "Texas," which Commission is to be known as the Battleship Texas Commission and providing for the manner of appointment of the members thereof; providing for the duties and powers of such Commission; providing for the acceptance of gifts or donations; providing for the formation of an Operating Board from the membership of said Commission; and providing that the Battleship Texas Commission may delegate to the Operating Board any or all powers of the Commission; providing that the Operating Board shall act as a liaison group between the Battleship Texas Commission and the San Jacinto State Park Commission; providing that the Battleship Texas Commission shall maintain a fund composed of the proceeds from the admission fee, which fund will be used to maintain and operate the Battleship "Texas"; providing that the Commission may, at its option, retain the surplus of such fund, if any, remaining after all costs of maintaining and operating said vessel shall be paid in full, unless said surplus amounts to more than Twenty-five Thousand Dollars (\$25,000); providing that all net proceeds derived from such fund in excess of Twenty-five Thousand Dollars (\$25,000) shall be returned to the

Treasury of the State of Texas at the end of each fiscal year; providing that books and records of account shall be maintained for the Commission, which books and records shall be available for audit at any time; providing that the Commission may hire laborers, artisans, caretakers, stenographic and administrative help to carry out the provisions of this Act; providing that the Commission may hire laborers and purchase materials necessary to maintain the Battleship "Texas" in a clean, neat and attractive condition; providing that, as far as practicable, any materials used in maintaining and operating the Battleship "Texas" be Texas materials; and providing that all employees hired under the provisions of this Act be residents of Texas; providing that all expenditures of funds shall be under the control and supervision of the Board of Control of the State of Texas; providing for the fulfillment of vacancies on the Commission; making it unlawful for any member of the Battleship Texas Commission or of the Operating Board to charge, receive or obtain directly or indirectly any fee, commission, retainer or brokerage out of the funds hereby appropriated; precluding any such persons from having any interest in any land, materials, concessions or contracts sold to or made with the Battleship Texas Commission or the Operating Board; providing for punishments for violations of the provisions of this Act; providing that no member of the Commission or the Operating Board shall receive any salary; limiting salaries to Four Thousand Dollars (\$4,000) per year; providing for a saving clause; and declaring an emergency. \_\_\_\_\_

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. The "Commission of Control for the Battleship Texas," herein created, shall be and is hereby authorized to accept from the United States Government the Battleship "Texas" for all of the purposes herein specified, and including the establishment of same for exhibition as a permanent memorial for the purpose of commemorating the heroic participation of the State of Texas in the prosecution and victory of the Second World War.——

Sec. 2. There is hereby created a Commission of Control for the Battleship "Texas" to be known as the Battleship Texas Commission and which will hereinafter, in this Act, be referred to as merely the Commission, to be composed of nine (9) members appointed by the Governor of the State of Texas from the personnel comprising the following organizations, in the number stated:——

General Public - Members at large	2 Members
Sons of the Republic of Texas	1 Member
Daughters of the Republic of Texas	1 Member
Texas Historical Association	1 Member
Texas Navy League	1 Member
Disabled Veterans (D. A. V.)	1 Member
American Legion	1 Member
Veterans of Foreign Wars of the U. S.	1 Member

The terms of such members shall be as follows: Three (3) members of said Commission shall be appointed for a term of two (2) years from the effective date of this Act; three (3) members of the Commission shall be appointed for a term of four (4) years from the effective date of this Act; three (3) members of the Commission

shall be appointed for a term of six (6) years from the effective date of this Act. All appointees of the Governor shall be confirmed by a two-thirds (2/3) vote of the Senate of the State of Texas present.

Sec. 3. The duties of the Commission shall be: To provide a proper berth for the Battleship "Texas," to select a location adjacent to, or on, the San Jacinto Battlegrounds for such berth; to ready the vessel for visitation by the public; to ascertain and institute a proper charge for admission to said vessel; to maintain and operate said vessel as a permanent memorial and exhibition, and to allocate the money herein appropriated as may be necessary for the fulfillment of the duties contained herein. Said Commission is further authorized to perform all other duties in addition to those specifically named above or mentioned below which are necessary to carry out the provisions and purposes of this Act. The aforesaid Commission shall be and hereby is authorized to accept gifts or donations for the purpose of this Act.

Sec. 4. The members of the Commission shall, by a majority vote, appoint three (3) of their number to serve as an Operating Board to the Commission. The Commission may delegate to the Operating Board sufficient authority and power to fulfill, in the name of the Commission, any or all of the duties which are herein conferred upon the Commission.

Sec. 5. Inasmuch as the Battleship "Texas" will be berthed adjacent to or within the confines of the present San Jacinto Battlegrounds, the Operating Board, in addition to its other duties, shall act as a coordinating and liaison group between the

Commission of Control for the Battleship "Texas" and the present San Jacinto State Park Commission.

Sec. 6. The Commission shall maintain a fund composed of the proceeds from the admission or inspection fee, which fund will be used to pay all costs of maintaining and operating the vessel. At the expiration of each fiscal year, which shall be August 31 of each year, the residue of such fund, if any, remaining after all costs of maintaining and operating said vessel shall have been paid in full, may be retained by the Commission, at its option, in said fund, unless said surplus amounts to more than Twenty-five Thousand Dollars (\$25,000); in the event said surplus does amount to more than Twenty-five Thousand Dollars (\$25,000), all of said surplus in excess of Twenty-five Thousand Dollars (\$25,000) shall be paid into the Treasury of the State of Texas for the benefit of the General Fund.

Sec. 7. The Commission shall maintain books of accounts and records concerning all revenue derived from the sale of admission to the public and all expenses incurred in maintaining and operating the Battleship as a public memorial; such records and books shall be available for audit at any time by the Board of Control of the State of Texas.

Sec. 8. The Commission is hereby authorized to hire any laborers, artisans, caretakers, stenographic and administrative help as may be necessary to carry out the provisions and purposes of this Act. The Commission may further engage the employment of laborers and artisans and purchase materials necessary to maintain the Battleship "Texas" in a clean, neat and attractive condition satisfactory for exhibition to the public.

Sec. 9. Any employees hired by virtue of the provisions of the above Section of this Act shall be residents of the State of Texas. Any materials used for any purpose in connection with maintaining and operating the Battleship "Texas" shall be, as far as practicable, Texas materials.

Sec. 10. All expenditures and contracts authorized by the Commission or Operating Board shall be made, let, supervised and expended by the Board of Control of the State of Texas according to all legal requirements as to the expenditures of funds and the letting of contracts by the said Board of Control.

Sec. 11. When the term of any of the above appointees expires, the Governor of the State of Texas shall appoint from the personnel of the organization to which the Commission member whose term expired belonged a person to serve on the Battleship Texas Commission; in the event a member of the Commission dies or resigns his position, the Governor of the State of Texas shall appoint a successor from the same organization to which the deceased or resigning member belonged to serve the portion remaining of the unexpired term; all appointments made by the Governor of the State of Texas to replace Commission members whose terms have expired shall be for a term of four (4) years from the date of the expiration of the preceding term; all appointments made by the Governor of the State of Texas to replace Commission members who have died or resigned their positions shall have as their term that portion remaining of the unexpired term of the deceased or resigning member. Such appointees of the Governor shall be confirmed by a two-thirds (2/3) vote of the Senate of the State of Texas present.

Sec. 12. It shall be unlawful for any member of the Commission, or of the Operating Board, to charge, receive or obtain, directly or indirectly, any fee, commission, retainer or brokerage out of the funds hereby appropriated; and no member of the Commission or the Operating Board shall have any interest in any land, materials, concessions or contracts sold to or made with either the Commission or the Operating Board. Violation of any of the provisions of this Section shall be a misdemeanor and upon conviction, punishment shall consist of removal from such Commission or Operating Board and by a fine of not less than One Hundred Dollars (\$100) nor more than One Thousand Dollars (\$1,000) or by confinement in the county jail at any time not to exceed six (6) months or by both such fine and imprisonment. \_\_\_\_\_

Sec. 13. No member of the Commission or of the Operating Board shall receive any salary for the performance of his duties under this Act. No other person employed by virtue of the provisions of this Act shall receive, as salary, commission or compensation, out of the State funds herein appropriated, or from the fund which is to be maintained by the Commission, more than Four Thousand Dollars (\$4,000) per year. \_\_\_\_\_

Sec. 14. It is understood and expressly provided that, should any Section, clause, or provision of this Act be hereafter held invalid for any reason, such invalidity shall not, in any way, affect any other provision of this Act. \_\_\_\_\_

Sec. 15. The fact that it is necessary immediately to prepare a berth for the Battleship "Texas" in order to provide a

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fitting and lasting permanent memorial commemorating the participation of our State in the Second World War, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House and the Constitutional Rule requiring bills to take effect and go into force ninety (90) days after adjournment of the session be suspended and said Rules are hereby suspended and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Ben Ramsey  
President of the Senate

W. T. Reed  
Speaker of the House

I hereby certify that H. B. No. 623 was passed by the House on April 17, 1947, by the following vote: Yeas 116, Nays 1.

Clemence Jones  
Chief Clerk of the House

I hereby certify that H. B. No. 623 was passed by the Senate on April 23, 1947, by the following vote: Yeas 27, Nays 0.

Claude Echell  
Secretary of the Senate

APPROVED: May 1st 1947  
Date

Robert M. La Follette  
Governor

IN THE SENATE  
OF THE STATE OF OREGON  
May 1st 1947  
At 11 O'CLOCK AM. 30  
Paul H. Brown  
Secretary of the Senate

Certificate of acceptance executed this 21st day of April 1948 on behalf of the State of Texas by the Battleship Texas Commission duly authorized by the Legislature of the State of Texas on the 23rd day of April 1947 to receive as a gift from the United States of America, under Public Law 649 of the 79th Congress, the U.S.S. TEXAS (BB35) and the silver service presented to the Ship by the children and the citizens of the State of Texas.

Whereas, the gift of the U.S.S. TEXAS from the United States of America to the State of Texas under Public Law 649 of the 79th Congress has been approved; and:

Whereas, the U.S.S. TEXAS will be used as a memorial of the roles played by the State of Texas and the United States Navy in the nations defense;

Now therefore:

One, the U.S.S. Texas and her silver service is hereby accepted by the State of Texas to be used solely as a memorial and to be preserved by the State of Texas consistent with the traditions of the Navy and the State of Texas.

Two, the State of Texas shall maintain the U.S.S. TEXAS in a condition satisfactory to the Department of the Navy at all times and shall bear all expenses in connection therewith and in connection with this gift.

In witness whereof, we have accepted for the State of Texas on the day and year first above mentioned.

By the Battleship Texas Commission, Lloyd J. Gregory, Chairman, Thurmond Culp Krueger, Mrs. O. M. Farnsworth, Frank Butler, Jr., E. H. Thomsen, Jr., George R. Brown, Jos. B. Hutchison, A. W. Neville, Tom Dunn, J. Perry Moore (deceased)

Presented by

Mark Edwin Andrews, Assistant Secretary, United States Navy